

**SPRING LAKE PARK  
ORDINANCE DRAFT XXX**

**AN ORDINANCE AMENDING SECTION 9.20 OF THE SPRING LAKE PARK CITY  
CODE RELATING TO HEALTH AND SAFETY; NUISANCES**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**            **AMENDMENT** “9.08.050 Prerecorded Telephone Alarm Messages Prohibited” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

9.08.050 Prerecorded Telephone Alarm Messages Prohibited

No person shall install, monitor, or use and possess an operative alarm which utilizes digital recordings or automated messages~~tapes or prerecorded messages which to~~ deliver ~~a telephone alarm message~~an emergency notification to the Police or Fire Department.

**SECTION 2:**            **AMENDMENT** “9.20.010 General Provisions” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

9.20.010 General Provisions

A. *Assessable Current Services.*

1. *Definition.* For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CURRENT SERVICE.** One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 - 463.26 (buildings; easements, regulations, hazards) as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust

treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

2. *Snow, ice, dirt, and rubbish.*

a. *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 12 hours after its deposit thereon. Failure to comply with this paragraph shall constitute a violation.

b. *Removal by city.* The City Administrator, Clerk/Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 12 hours after any matter has been deposited thereon or after the snow has ceased to fall. The Administrator, Clerk/Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

3. *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the Administrator, Clerk/Treasurer.

4. *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under SLPC 5.04, the Administrator, Clerk/Treasurer shall keep a record of the total cost of the installation or repair against the property.

5. *Repair of sidewalks and alleys.*

a. *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the Administrator, Clerk/Treasurer.

b. *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

c. *Repair by city.* If the sidewalk or alley is not repaired within 30 days

after receipt of the notice, the Administrator, Clerk/Treasurer shall report the facts to the Council and the Council shall by resolution order the work done by contract in accordance with law. The Administrator, Clerk/Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

6. *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the Administrator, Clerk/Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the Administrator, Clerk/Treasurer.
7. *Damage to public property.* Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.
8. *Assessment.* On or before September 1 of each year, the Administrator, Clerk/Treasurer shall list the total unpaid charges for each type of current service and charges under this paragraph against each separate lot or parcel to which they are attributable under this paragraph. The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

***B. Tree Diseases:***

- ~~1. *City Forester; duties.* It shall be the duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch Elm disease and Oak Wilt disease and other epidemic diseases of shade trees.~~
- ~~2. *Adoption of state law.* The Council hereby adopts by reference M.S. § 18G.16 relating to the control and prevention of shade tree disease, as they may be amended from time to time, together with the rules and regulations as promulgated from time to time by the Commissioner of Agriculture.~~
- ~~3. *Trees constituting nuisance.* Any living or standing or fallen elm or oak tree or~~

~~part thereof infected to any degree with Dutch Elm disease or Oak Wilt disease or any other epidemic disease is declared to be a public nuisance when found within the city.~~

- ~~4. *Abatement.* It is unlawful for any person to permit any public nuisance as defined in Paragraph B,3 to remain on any premises owned or controlled by him or her within the city.~~
- ~~5. *Inspection and investigation.* As often as practicable, the Forester shall inspect all public and private premises within the city which might be infected by Dutch Elm fungus, elm bark beetles, Oak Wilt fungus, or any other epidemic disease of shade trees. The Forester shall take such steps as are necessary for positive diagnosis of any suspected diseased tree. The Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her by this paragraph.~~
- ~~6. *Procedure for removal.* Whenever the Forester finds that the infestation defined in Paragraph B,5 exists in any tree in any public or private place, he or she shall proceed as follows:
  - ~~a. Notify the owner of the property by certified mail that the nuisance has been diagnosed and that the nuisance must be abated within 20 days of the notice;~~
  - ~~b. If the nuisance is not abated by the owner within the time prescribed, the Forester shall notify the Council of these facts; and~~
  - ~~c. The Council shall by resolution order the nuisance abated. Notice of the Council's intention to abate the nuisance shall be sent by certified mail to the affected property owner advising that the city will cause removal of the diseased tree within ten days of receipt of the resolution.~~~~
- ~~7. *Reimbursement to owner.* If the diseased tree is removed by owner within the prescribed 20-day period, the city shall reimburse the owner in an amount as established by the city's fee schedule, provided:
  - ~~a. The tree was removed in the year 1975 or any year thereafter at the direction of the City Forester;~~
  - ~~b. Trees removed after January 1, 1977 were removed by a person, business, or corporation duly licensed by the city to remove these trees; and~~
  - ~~c. The trees removed were 12 inches or larger in diameter.~~~~
- ~~8. *Assessment.* The Council shall assess those costs for the removal of all diseased trees not voluntarily removed by the owner against the property as a special assessment under M.S. Ch. 429, as it may be amended from time to time.~~
- ~~9. *Licenses required.* It shall be unlawful for any person, business, or corporation to engage in the business of shade tree removal within the city without first obtaining a license. Licenses shall be obtained from the City Administrator, Clerk/Treasurer in the manner provided for the issuance of other contractor's licenses.~~

*C. Outdoor Storage Of Wood:*

1. *Policy.* ~~The City Council finds that the use of alternative energy sources such as wood is a viable alternative energy source. The Council also realizes that young children can become attracted to wood piles and the climbing of wood piles can result in injury to children. The Council also recognizes that to protect the public health and safety, wood piles must be kept and maintained in a safe and orderly manner.~~
2. *Scope.* ~~On property located within the city, no person shall keep or store wood or allow wood to be kept or stored on his or her property or on property under his or her control, unless that wood is kept or stored in compliance with the provisions of this paragraph.~~
3. *Conditions of storage.* ~~Wood stored or kept in the city which is not contained in an enclosure impervious to the elements shall be stored or kept as follows:~~
  - a. ~~In uniform lengths in neat and secure stacks no more than six feet high, as measured from the bottom of the stack; and~~
  - b. ~~No wood shall be stacked within the required area of setback from a public street right-of-way, and in any event no closer to the street than the front of the house.~~
4. *Persons exempt.* ~~This paragraph shall not apply to:~~
  - a. ~~Persons having property on which new construction is taking place and the wood on that property is being used for the construction, unless the wood has remained on the property for more than 30 days and it is not a permanent part of the new construction at the end of that time;~~
  - b. ~~Persons storing or keeping wood on property when the wood is stored or kept in a covered structure impervious to the elements;~~
  - c. ~~Temporary storage of logs for up to 30 days, outside of the required area of setback from a public street right-of-way, is allowed for the purpose of processing (cutting and splitting) the logs into cordwood; and~~
  - d. ~~Lumber companies.~~

**D. *Unsolicited Written Materials.***

1. *Findings.* ~~The city finds that unsolicited written materials that are deposited on property in such a manner as to be exposed to the elements are a nuisance to the public health, safety and welfare as those unsolicited written materials can cause unsightly litter which detracts from the aesthetics of the neighborhood, can cause problems with snow removal or damage to snow removal equipment, and can create hazards for pedestrians or inhibit handicap accessibility.~~
2. *Definitions.* ~~For the purpose of this paragraph, the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~

**FRONT DOOR.** ~~The street facing entrance or entrances to a principal building. In the event no door faces the street, then any other door of a principal building nearest the street shall be considered a front door for the~~

~~purposes of this paragraph.~~

~~**OCCUPANT.** One who has possessory rights in, or control over, the property or premises.~~

~~**PORCH.** An exterior appendage to a principal building leading to a doorway, including any stairway attached thereto.~~

~~**PRINCIPAL BUILDING.** The building or combination of buildings that house the primary use occurring on the premises.~~

~~**PRIMARY USE.** The main activity taking place on the premises.~~

~~**PUBLISHER.** The person publishing the unsolicited written materials, and the publisher's employees, agents and distributors.~~

~~**UNSOLICITED WRITTEN MATERIALS.** Any written materials, delivered to any premises, without the express invitation or permission, in writing or otherwise, by the occupant of such premises.~~

- ~~3. It shall be unlawful to place unsolicited written materials on any street, sidewalk or public right-of-way.~~
- ~~4. Unsolicited written materials delivered to a premises by a publisher shall be placed:
  - ~~a. Where permitted, in a distribution box located on or adjacent to the premises;~~
  - ~~b. On a porch, if one exists, nearest the front door of the principal building;~~
  - ~~c. So such materials are securely attached to the front door;~~
  - ~~d. Through a mail slot for the principal building, if existent, as permitted by the United States Postal Service Domestic Mail Manual § 508 Recipient Services, Subsection 3.1.2; Between the screen door or storm door to the front door, if existent and unlocked, and the interior front door; or~~
  - ~~e. Personally with the occupant of the premises.~~~~
- ~~5. Notwithstanding Paragraph D,4, an occupant retains the right to restrict entry to the occupant's premises.~~
- ~~6. This paragraph does not apply to the United States Postal Service.~~

**SECTION 3:            AMENDMENT “9.20.020 Public Nuisances” of the Spring Lake Park Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

9.20.020 Public Nuisances

- A. *Public Nuisance Prohibition.* A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this section, a person that does any of the following is guilty of maintaining a public nuisance~~A public nuisance is a thing, act, or use of property which shall:~~
1. Maintains or permits a condition which unreasonably ~~A~~annoys, injures, or endangers the health, safety, morals, comfort, or repose of any considerable number of members of the public;
  - ~~2. Offend public decency (for example, affect public morals or offend public decency);~~
  - ~~3. Unlawfully i~~Interferes with, ~~the use of, or~~ obstructs, ~~or tend to obstruct~~ or renders dangerous for passage any public waters used by the public, or ; public highway or right-of-way~~park, square, street, alley, or highway; or~~
  - ~~4. Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or~~ Is responsible for any other act or omission declared by law or this ordinance to be a public nuisance.
  - ~~5. In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.~~
- B. *Public Nuisances Affecting Health, Safety, Comfort, Or Repose.* The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:
1. The exposed accumulation of ~~All~~ decayed or unwholesome food or vegetable matter~~offered for sale to the public;~~
  - All diseased animals running at large;
  3. All ponds or pools of stagnant water;
  - ~~4. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;~~
  - Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
  - Accumulations of manure, refuse or other debris~~or rubbish;~~
  - Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
  8. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, hazardous substances or other substances;
  9. Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see SLPC 5.08 for definition of "garbage") except at places authorized by law; or~~allowing any cesspool or individual sewage system to overflow in any manner;~~
  - All noxious weeds, tall grasses defined as anything over nine~~eight~~ inches in height, and other rank growths upon public or private property, with the exception of managed natural landscapes pursuant to M.S. § 412.925, as may be amended from time to time, wetlands, and natural wooded areas.
  - ~~11. An accumulation of tin cans, bottles, or trash or debris of any nature or~~

~~description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, rubbish, tin cans, or other material or debris of any kind on private property;~~

12. Dense smoke, noxious fumes, gas, ~~and~~ soot, or cinders in unreasonable quantities;
13. ~~Any~~ Offensive trades ~~or~~ and businesses as defined by statute or ordinance ~~not operating under local license, licensed as provided by law;~~ For purpose of this provision, **OFFENSIVE TRADE OR BUSINESS** means a trade, employment or business that is hurtful to inhabitants within the city, dangerous to the public health, injurious to neighboring property or from which offensive odors arise.
- ~~14. All public exposure of persons having a contagious disease;~~
15. The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;
16. All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a considerable number thereof;
17. The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;
18. The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and
19. The keeping, maintaining, or harboring of any combination of animals or fowl kept in numbers or under conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.

C. *Public Nuisances Affecting Morals And Decency.* The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized and permitted by federal, state or local law;
2. Betting, bookmaking, and all apparatuses used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating or 3.2 malt liquors are manufactured, ~~sold, bartered, or given away, or otherwise~~ disposed of in violation of law, or where persons are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor ~~as a beverage contrary to law,~~ or where intoxicating or 3.2 malt liquor ~~are~~ is kept for sale, ~~barter, or other disposition~~ distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
- ~~6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;~~
- ~~7. The public use of profane and obscene language;~~



8. ~~The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as “window peeping;” and~~
9. ~~All other things, acts, commissions, or occupations that may be considered detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.~~

D. *Public Nuisances Affecting Peace And Safety.* The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks ~~twenty-four (24)~~<sup>12</sup> hours after the snow has ceased to be deposited thereon;
2. All wires which are strung above the surface of any public street or alley;
3. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;
4. All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;
5. All use or display of fireworks except as provided by law or ordinance;
6. All buildings and all alterations to buildings made or erected in violation of fire ordinance concerning manner and materials and construction;
7. Obstructions and excavations affecting the ordinary public use of ~~the public~~ streets, alleys, sidewalks, or public grounds, except under conditions as are provided by this ordinance or other applicable law;
8. Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;
9. Radio aerials or television antennae ~~strung or~~ erected or maintained in a dangerous manner ~~any manner except that provided by law or ordinance~~;
10. The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
11. ~~The~~Any use of property abutting on a public street or sidewalk, or any use of a public street or sidewalk, which causes large crowds of people to gather, obstructing traffic and the free use of ~~the public~~ streets or sidewalks;
12. All hanging signs, awnings, and other similar structures over public streets or sidewalks, ~~or~~ so situated as to endanger public safety, or not constructed and maintained as provided by law or ordinance, ~~or without proper permit~~;
13. The allowing of rain, ~~water, ice, or snow~~ to fall from any building or structure upon ~~on~~ any public street or sidewalk or to flow across any ~~public~~ sidewalk;
14. ~~All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;~~
15. Wastewater cast upon or permitted to flow upon streets or other public properties;
16. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;
17. Placing entrance culverts, or doing any act which may alter or affect the

drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;

18. Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
19. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
20. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
21. All unnecessary interferences and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
22. All other conditions, acts, or things which are liable to cause injury to the person or property of anyone;
- ~~23. Exposed accumulation of decayed or unwholesome food or vegetable matter;~~
24. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
25. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
26. All unnecessary and annoying vibrations;
27. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
28. Any barbed wire fence less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
29. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or other safety hazards from such accumulation;
30. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
31. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over the substance; ~~and~~
32. Any well, hole or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
33. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one (1) footcandle when abutting any commercial or industrial parcel.

34. The depositing of garbage or refuse on a public right-of-way; and

35. ~~The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the property of another.~~ The maintenance of any other conditions that is likely to cause injury to the person or property of another.

E. Noise violations.

1. *Prohibited Noises.* The following are declared to be nuisances affecting public health, safety, peace or welfare:
  - a. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be unreasonably and plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates.  
**PLAINLY AUDIBLE** is defined as sound that can be detected by a person using their unaided hearing faculties.
  - b. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
  - c. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
  - d. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
  - e. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
  - f. The use or operation, or permitting the use or operation, or any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

2. *Hourly Restriction of Certain Operations.*

a. *Domestic Power Equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power equipment, except between the hours of 7:00am and 10:00pm. Snow removal equipment is exempt from this provision. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quiet or repose of a person of ordinary sensibility.

b. *Refuse Hauling.* See SLPC 5.08.010, Paragraph I.

c. *Construction Activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00am and 8:00pm.

d. *Radios, Music Devices, Paging Systems, and the Like.* The operation of any device referred to in Paragraph E, 1, f between the hours of 10:00pm and 7:00am in a manner so as to be unreasonably and plainly audible at the property line of the structure or building in which it is located shall be prima facie evidence of a violation of this section.

e. *Noise Impact Statements.* The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and takes its evaluation into account in approving or disapproving the license or permit applied for or the zoning change(s) requested.

3. *Participation in Noisy Parties or Gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or repose of other persons. When a peace officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

4. *Exception for Emergency Work.* Noise created exclusively in the performance of emergency work to preserve the public health, safety or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, shall be exempt from the provisions of this Section. Any persons responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

F. ~~*Enforcement Duties of City Officers.* It shall be the duty of the City Council to enforce the provisions of this section and the City Council may, by resolution, delegate to other~~

~~officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises. The officers charged with the enforcement of this section shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.~~ City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations involving imminent danger to human life and safety or imminent and substantial damage to property, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

G. ~~Notice To Abate; Abatement By City; Recovery Of Costs~~ Abatement Procedure.

~~Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects:~~

1. Procedure. ~~Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative warrant or other court order and abate the nuisance, or otherwise exercise the City's rights pursuant to applicable law..~~

2. ~~Service of n~~ Notice. ~~This written notice shall be served on the person committing or maintaining the nuisance in person or by U.S. mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.~~ Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be delivered by a peace officer or designated official to the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner

of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

3. ~~*Contents of notice*~~*Emergency procedure; summary enforcement.* ~~The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.~~In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Paragraphs G,1 and G,2 will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.
4. ~~*Proof of service*~~*Immediate abatement.* ~~Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the manner and time thereof. When an order so given is not complied with, the matter may be referred to the City Attorney for criminal prosecution or may be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.~~Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety or an imminent and substantial threat to property.
5. ~~*Non-compliance with notice to abate*~~*Judicial remedy.* ~~If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the Administrator, Clerk/Treasurer or City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.~~Nothing in this section shall prevent the city from seeking a judicial

remedy when no other adequate administrative remedy exists.

~~6. *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.~~

#### H. *Recovery of Cost.*

1. *Personal liability.* The owner of the premises on which a nuisance has been abated by the city, and/or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Administrator, Clerk/Treasurer or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Administrator, Clerk/Treasurer.
2. *Assessment.* After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

**SECTION 4:            AMENDMENT “9.20.030 Weeds” of the Spring Lake Park Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

#### 9.20.030 Weeds

A. *Short Title.* This section shall be cited as the “Weed Ordinance.”

B. *Definitions; Exclusions.*

1. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DESTRUCTION ORDER.** The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

**MANAGED NATURAL LANDSCAPE.** A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

**MEADOW VEGETATION.** Grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

**ORNAMENTAL PLANTS.** Grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons;

**RAIN GARDEN.** A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

**PROPERTY OWNER.** The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

**TURF-GRASS LAWN.** A lawn composed mostly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

**WEEDS, GRASSES, and RANK VEGETATION.** Include but are not limited to the following:

- a. **NOXIOUS**~~noxious~~ **WEEDS and RANK VEGETATION** shall include but not be limited to: Alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, and



Wild Parsnip;

- b. Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;
- c. Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;
- d. Any weeds, grass, or plants, other than trees, bushes, flowers, meadow vegetation, rain gardens or other ornamental plants, growing to a height exceeding ~~42~~ inches;
- e. **RANK VEGETATION** includes the uncontrolled, uncultivated growth of annuals and perennial plants; and
- f. The term **WEEDS** does not include shrubs, trees, cultivated plants, or crops.

2. In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

C. *Owners Responsible For Trimming, Removal, And The Like.*

1. All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which, at the time of notice, is in excess of ~~42~~ inches in height.

2. Managed natural landscapes permitted under M.S. § 412.925, as it may be amended from time to time, is excepted from this provision.

D. *Filing Complaint.* Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this section shall make a written complaint signed, dated, and filed with the City Administrator, Clerk/Treasurer. If the city makes the complaint, an employee, officer, or Councilmember of the city shall file the complaint in all respects as set out above.

E. *Notice Of Violations.*

1. Upon receiving notice of the probable existence of weeds in violation of this section, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this section has been violated, shall forward written notification in the form of a “destruction order” to the property owner or the person occupying the property as that information is contained within the records of the City Administrator, Clerk/Treasurer or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice the designated violation shall be removed by the property owner or person occupying the property.

- a. All notices are to be in writing and all filings are to be with the City Administrator, Clerk/Treasurer.

- b. Certified mailing to the Administrator, Clerk/Treasurer or others is deemed filed on the date of posting to the U.S. Postal Service.

F. *Appeals.*

1. The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants, or crops or is not otherwise in violation of this section, and should not be subject to destruction under the section.
2. An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Councilmembers in attendance and being at a regularly scheduled or special meeting of the City Council.

G. *Abatement By City.* In the event that the property owner shall fail to comply with the "destruction order" within seven regular business days and has not filed a notice within 48 hours to the City Administrator, Clerk/Treasurer of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this section by all lawful means.

**Cross-reference:**

~~Notice to abate; abatement by city; recovery of costs~~ Abatement procedure, see SLPC 9.20.020 Paragraph GF.

H. *Liability.*

1. The property owner is liable for all costs of removal, cutting, or destruction of weeds as defined by this section.
2. The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees, and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies, and chemicals which may be used.
3. All sums payable by the property owner are to be paid to the Administrator, Clerk/Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.
4. All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101 (local improvements: unpaid special charges may be special assessments), as it may be amended from time to time.

**Cross-reference:**

~~Notice to abate; abatement by city; recovery of costs~~ Abatement procedure, see SLPC 9.20.020 Paragraph GF.

Recovery of cost, see SLPC 9.20.020 Paragraph H.

**SECTION 5:            AMENDMENT** “9.20.040 Clandestine Drug Lab Sites And Chemical Dump Sites” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

9.20.040 Clandestine Drug Lab Sites And Chemical Dump Sites

- A. *Purpose And Intent.* The purpose of this section is to reduce public exposure to health risks where public safety personnel have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The City Council finds that sites may contain suspected chemicals and residues that place people, particularly children or adults of childbearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.
- B. *Interpretation And Application.*
  - 1. The provisions of this section shall be construed to protect the public health, safety and welfare.
  - 2. Where the conditions imposed by any provisions of this subchapter are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail.
  - 3. Should any court of competent jurisdiction declare any paragraph or subpart of this section to be invalid, the decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the provision declared invalid.
- C. *Fees.* Fees for the administration of this section may be established and amended periodically by resolution of the City Council.
- D. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHILD.** Any person under 18 years of age.

**CHEMICAL DUMP.** Any place or area where chemicals or other waste materials used in a clandestine drug lab site have been located.

**CLANDESTINE DRUG LAB.** The unlawful manufacture or attempt to manufacture controlled substances.

**CLANDESTINE DRUG LAB SITE.** Any place or area where public safety personnel has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A “clandestine drug lab site” may include dwellings, accessory buildings, accessory structures, vehicles, trailers, a chemical dump site or any land.

**CONTROLLED SUBSTANCE.** A drug, substance or immediate precursor in M.S. § 152.02, Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors, adult use cannabis or tobacco.

**HOUSEHOLD HAZARDOUS WASTES.** Waste generated from a clandestine drug lab. The wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Public Health and Environmental Services Department rules and regulations for areas within Anoka County, and Ramsey County Public Health Department, rules and regulations for areas within Ramsey County.

**MANUFACTURE, IN PLACES OTHER THAN A PHARMACY.** The production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.

**OWNER.** Any person, firm or corporation who owns, in whole or in part, the land, buildings, or structures associated with a clandestine drug lab site or chemical dump site.

**PUBLIC HEALTH NUISANCE.** All dwellings, accessory structure, vehicles, trailers and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

- E. *Law Enforcement Notice To Other Authorities.* Public safety personnel that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.
- F. *Declaration Of Property As Public Health Nuisance.* If public safety personnel determines the existence of a clandestine drug lab site or chemical dump site, the property shall be declared a public health nuisance.
- G. *Notice Of Public Health Nuisance To Concerned Parties.* Upon notification by public safety personnel, the ~~City~~ Building Official shall promptly issue a declaration of public health notice for the affected property and post a copy of the declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:
  - 1. Occupants of the property;
  - 2. Neighbors at probable risk;
  - 3. The ~~city~~ Police Department; and
  - 4. Other state and local authorities, such as MPCA and MDH, that are known to have public and environmental protection responsibilities that are applicable to the situation.

H. *Property Owner's Responsibilities.*

1. *Responsibility to act.* The Building Official shall also issue an order to abate the public health nuisance, including a specified time to complete each of the following:
  - a. Vacate those portions of the property, including building or structure interiors, that may place the occupants or visitors at risk.
  - b. Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling.
  - c. Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy.
2. *Responsibility for costs.* The property owner shall be responsible for all costs of vacation or clean-up of the site, including contractors' fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:
  - a. Posting of the site;
  - b. Notification of affected parties;
  - c. Expenses related to the recovery of costs, including the assessment process;
  - d. Laboratory fees;
  - e. Clean-up services;
  - f. Administrative fees; and
  - g. Other associated costs.

I. *Recovery Of Public Costs.*

1. If, after service of notice of the declaration of public health nuisance, the property owner fails to arrange appropriate assessment and clean-up, the City Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
2. The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to M.S. Ch. 463.
3. If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25% of the costs for administration. The city may recover costs by civil action against the person or persons who own the property or by assessing the costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S. § 429.101.

J. *Authority To Modify Or Remove Declaration Of Public Health Nuisance.*

1. The Building Official is authorized to modify the declaration conditions or remove the declaration of public health nuisance.
2. The modifications or removal of the declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the

health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

K. *Penalty.*

1. Whoever violates any provision of this chapter for which no other penalty has been established shall be subject to penalties as provided in SLPC 1.04.200.
2. Any person violating any provision of Paragraphs A through J is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S. § 609.02, Subd. 3.

**SECTION 6:**            **ADOPTION** “9.20.050 Tree Management” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

9.20.050 Tree Management(*Added*)

- A. *Policy.* The City Council finds that trees provide a public benefit including cleaner air, cleaner water, retention and filtration of storm water, improved energy conservation, decreased soil erosion, and increased property values. The City Council also finds that the health of trees within the City is threatened by tree diseases and pests. The City Council further finds that the loss of trees growing upon public and private property would impair the safety, good order, general welfare and health of the public and substantially depreciate the value of property within the City. It is the intent of the City Council to maintain a resilient urban forest by preventing the spread of tree diseases and pests.
- B. *Forester position created.* The powers and duties of the City Forester as set forth in this Chapter are hereby conferred upon the Director of Public Works and all designated representatives. It is the duty of the Forester, under the direction of the Administrator, Clerk/Treasurer, to coordinate all activities of the City relating to the management of trees on City property, the control and prevention of tree pests that would threaten the integrity of the City's urban forest, and the elimination of nuisance trees.
- C. *Nuisances declared.* The following are declared to be public nuisances whenever or wherever they may be found within the City:
  1. *Any tree or shrub that, in the opinion of the City Forester, has become or threatens to become a hazard so as to adversely affect the public health, safety or welfare, whether such tree or shrub shall be on public or private property.*
  2. *Any trees or shrubs with epidemic diseases, insect or other pests that threatens the health of trees within the City.*
- D. *Inventory, Inspection and Investigation.*

1. The City Forester or designee thereof may inspect all premises and places within the City as often as deemed appropriate to determine any condition described in Paragraph C. The City Forester shall investigate all reported incidents of nuisance trees.
2. The City Forester or designee thereof may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Section.
3. The City Forester or designee thereof shall make a field diagnosis according to generally accepted field diagnosis procedures.

E. Abatement; Procedure.

1. It is unlawful for any person to allow a public nuisance as defined in Paragraph C to remain on any premises owned or controlled by that person within the City. Such nuisances may be abated in the manner prescribed by this article.
2. Standard abatement procedure. Except as provided in Paragraphs E.3 or E.4, whenever the City Forester determines with reasonable certainty that a public nuisance as described in Paragraph C is being maintained or exists on premises in the city, the City Forester is authorized to abate a public nuisance according to the following procedure:
  - a. The City Forester or designee will notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the Administrator, Clerk/Treasurer.
  - b. The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the city at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice will state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the Administrator, Clerk/Treasurer within seven days after service of the notice, or before the date by which abatement must be completed, whichever comes first.
  - c. If no timely appeal is submitted, and the notice of abatement and its prescribed control measures are not complied within the time provided by the notice or any additional time granted, the City Forester or designee shall have the authority to enter the property and carry out abatement in accordance with the notice of abatement.
3. High cost abatement. If the City Forester determines that the cost of abating the nuisance will exceed \$5,000 based on a reasonable, good faith estimate, the written notice referred to in Paragraph E.2,b must provide that if the nuisance is not abated within the reasonable amount of time provided, the

matter will be referred to the City Council for a hearing. The date, time and location of the hearing must be provided in the notice.

4. Appeal procedure. If the Administrator, Clerk/Treasurer receives a written request for a hearing on the question of whether a public nuisance in fact exists, the City Council shall hold a hearing at the next regularly scheduled City Council meeting following receipt by the Administrator, Clerk/Treasurer of the written request. At least three days notice shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance.

5. Recovery of cost of abatement; liability and assessment.

a. The owner of the premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, plus an additional 10% of the expenditure for administrative costs. As soon as the work has been completed and the cost determined, the Administrator, Clerk/Treasurer or designee shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Administrator, Clerk/Treasurer.

b. After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, the Administrator, Clerk/Treasurer may list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then certify the charges against the property under that statute and other pertinent statutes to the County Auditor for collection along with current taxes the following year or in annual installments as the City Council may determine in each case.

F. Interference prohibited. It shall be unlawful for any person to prevent, delay or interfere with the City Forester or designee thereof while they are engaged in the performance of duties imposed by this Section.

G. License requirements. It shall be unlawful for any individual, firm or corporation to conduct as a business the cutting, trimming, pruning, removing, spraying or otherwise treating of trees or shrubs in the city without first having obtained a contractor's license pursuant to SLPC 12.08.

H. Penalties. Any violation of this Section is a misdemeanor and is subject to penalties provided for such violations under SLPC 1.04.200. In addition to the penalties provided for in Paragraph H, if any person, firm, or corporation fails to comply with any provision of this Section, the City Council or any official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.



**SECTION 7:**            **ADOPTION** “9.20.060 Outdoor Storage Of Wood” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

9.20.060 Outdoor Storage Of Wood(*Added*)

- A. Policy. The City Council finds that the use of alternative energy sources such as wood is a viable alternative energy source. The Council also realizes that young children can become attracted to wood piles and the climbing of wood piles can result in injury to children. The Council also recognizes that to protect the public health and safety, wood piles must be kept and maintained in a safe and orderly manner.
- B. Scope. On property located within the city, no person shall keep or store wood or allow wood to be kept or stored on his or her property or on property under his or her control, unless that wood is kept and stored in compliance with the provisions of this paragraph.
- C. Conditions of storage. Wood stored or kept in the city which is not contained in an enclosure impervious to the elements shall be stored or kept as follows:
  - 1. In uniform lengths in neat and secure stacks no more than six feet high, as measured from the bottom of the stack; and
  - 2. No wood shall be stacked within the required area of setback from a public street right-of-way, and in any event no closer to the street than the front of the house.
- D. Persons exempt. This paragraph shall not apply to:
  - 1. Persons having property on which new construction is taking place and the wood on that property is being used for the construction, unless the wood has remained on the property for more than 30 days and it is not a permanent part of the new construction at the end of that time;
  - 2. Persons storing or keeping wood on property where the wood is stored or kept in a covered structure impervious to the elements;
  - 3. Temporary storage of logs for up to 30 days, outside of the required area of setback from a public street right-of-way, is allowed for the purpose of processing (cutting and splitting) the logs into cordwood; and
  - 4. Lumber companies operating in compliance with city code.

**SECTION 8:**            **ADOPTION** “9.20.070 Unsolicited Written Materials.” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

9.20.070 Unsolicited Written Materials.(*Added*)

- A. Findings. The city finds that unsolicited written materials that are deposited on property in such a manner as to be exposed to the elements are a nuisance to the public health, safety and welfare as those unsolicited written materials can cause unsightly litter which detracts from the aesthetics of the neighborhood, can cause problems with snow removal or damage to snow removal equipment, and can create hazards for pedestrians or inhibit handicap accessibility.
- B. Definitions. For the purpose of this paragraph, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**FRONT DOOR.** The street facing entrance or entrances to a principal bulding. In the event no door faces the street, then any other door of a principal building nearest to the street shall be considered the front door for the purposes of this paragraph.

**OCCUPANT.** One who has possessory rights in, or control over, the property or premises.

**PORCH.** An exterior appendage to a principal building leading to a doorway, including any stairway attached thereto.

**PRINCIPAL BUILDING.** The building or combination of buildings that house the primary use occurring on the premises.

**PRIMARY USE.** The main activity taking place on the premises.

**PUBLISHER.** The person publishing the unsolicited written materials, and the publisher's employees, agents and distributors.

**UNSOLICITED WRITTEN MATERIALS.** Any written materials, delivered to any premises, without the express invitation or permission, in writing or otherwise, by the occupant of such premises.

- C. It shall be unlawful to place unsolicited written materials on any street, sidewalk, or public right-of-way.
- D. Unsolicited written materials delivered to a premises by a publisher shall be placed:
1. Where permitted, in a distribution box located on or adjacent to the premises;
  2. On a porch, if one exists, nearest the front door of the principal building;
  3. So such materials are securely attached to the front door;
  4. Through a mail slot for the principal building, if existent, as premitted by the United States Postal Service Domestic Mail Manual § 508 Recipient Services, Subsection 3.1.2;
  5. Between the screen door or storm door to the front door, if existent and unlocked, and the interior front door; or
  6. Personally with the occupant of the premises.
- E. Notwithstanding Paragraph D,4, an occupant retains the right to restrict entry to the occupant's premises.

E. The United States Postal Service, while engaged in its official business, shall be exempt from the provisions of SLPC 9.20.070.

**SECTION 9:** AMENDMENT “12.08.010 Licenses Required” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.08.010 Licenses Required

Before any person, firm, or corporation shall engage in the business of doing or performing any of the various types of work listed in this section, he or she shall first obtain a license to do so as hereinafter provided:

- A. Cement work, cement block work, cement block laying, or brick work;
- B. General construction, including erection, alteration, or repair of buildings;
- C. The moving or wrecking of buildings;
- D. Plastering, outside stucco work, or lathing;
- E. Plumbing, including installation of outside sewage disposal plants;
- F. Heating, gas piping, ventilating, or air conditioning;
- G. Gas installation, including heating appliances, devices, or machinery, and the like;
- H. Well drilling;
- I. Roofing, siding, gutter, and other specialty work such as trim;
- J. Sign and billboard erecting;
- K. Excavators (for basements, foundations, grading of lots, and the like); ~~and~~
- L. Blacktop driveways and parking lots; and
- M. Tree care and tree trimming

**SECTION 10:** AMENDMENT “12.36.020 Revisions To International Property Maintenance Code” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.36.020 Revisions To International Property Maintenance Code

The following sections are hereby revised: Section 101.1. Title. Insert: *City of Spring Lake Park* Section 103.5. Fees. Insert: *City of Spring Lake Park Permit Fee Schedule* Section 302.4. Weeds. Insert: ~~Nine (9)~~ Eight (8) inches Section 304.14. Insect Screens. Insert: *April 16, October 16* Section 602.3. Heat Supply. Insert: *October 15, April 15* Section 602.4. Occupiable Space. Insert: *October 15, April 15*

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer, Spring Lake Park